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Dated: October 24, 2006

Signature: _____

(Raymond Gargullo, Jr.)

Docket No.: SPINE 3.0-437
CPCPCPCPCPCPCP I CON IV
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Errico et al.

Application No.: 10/663,492

Group Art Unit: 3738

Filed: September 16, 2003

Examiner: B. E. Pellegrino

For: INTERVERTEBRAL SPACER DEVICE
HAVING ENGAGEMENT HOLE PAIRS
FOR MANIPULATION USING A
SURGICAL TOOL

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This communication is in response to the Official Action mailed August 31, 2006, setting forth an election of species in the above-identified application.

In the Official Action, the Examiner requires election to one of the following distinct species under 35 U.S.C. § 121:

- Species I. Figs. 21-44;
- Species II. Figs. 71-77;
- Species III. Figs. 83-85, 98, 99, 104-106;
- Species IV. Figs. 86-91, 100-103, 107-112;
- Species V. Figs. 92, 97; and
- Species VI. Figs. 113-117.

In response to this election of species, Applicants hereby elect Species III for prosecution in the present application. Applicants assert that all of the claims of the present application; namely, claims 1-21 are readable on the figures

directed to Species III. Further, Applicants assert that claims 1-21 are also readable on Species IV and Species V as included in the restriction requirement.

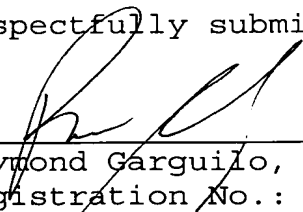
The claims of the present application are directed toward a repositioner/extractor. The repositioner/extractor includes two pins or engagement posts that extend approximately 90° relative to the handle of the manipulation tool. The various repositioners are shown in Figs. 83-97 to simply illustrate different configurations for the same invention. Specifically, depending on whether one is entering the body straight on or from an angle, a different positioner may be used in conjunction with the various artificial disks.

Applicant hereby submits a one-month Extension of Time thereby extending time for responding to the Official Action from September 30, 2006 to and including October 30, 2006.

In the event any fee is due in connection with the present response, the Examiner is authorized to charge Applicant's Deposit Account No. 12-1095 therefore.

Dated: October 24, 2006

Respectfully submitted,

By 
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